

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT KNOXVILLE

MARCH 1996 SESSION

<p>FILED</p> <p>April 24, 1996</p> <p>Cecil Crowson, Jr. Appellate Court Clerk</p>
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<p>SAMUEL FRANKLIN HOOD, Appellant, V. STATE OF TENNESSEE, Appellee.</p>	<p>)) C.C.A. No. 03C01-9509-CR-00263)) Hamilton County)) Honorable Douglas A. Meyer, Judge)) (Post-Conviction))</p>
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OPINION FILED: _____

AFFIRMED

PAUL G. SUMMERS,
Judge

OPINION

The appellant, Samuel Franklin Hood, pled guilty to aggravated robbery. He was sentenced as a career offender to 30 years confinement. His first petition for post-conviction relief alleged that his trial counsel rendered ineffective assistance by failing to interview witnesses. The trial court dismissed the first petition and we affirmed.¹ His second petition, which is the subject of this appeal, contended that his plea was involuntary. The trial court found that the issue had been previously determined and dismissed the petition.²

We can glean from the trial court's order, the technical record, and the transcript information necessary to effectuate meaningful appellate review. See State v. Swanson, 680 S.W.2d 487, 489 (Tenn. Crim. App. 1984). Upon review, we find no error of law mandating reversal of the trial court's judgment. Waiver and previous determination are applicable to this second post-conviction appeal. Accordingly, the trial court's order dismissing the appellant's petition for post-conviction relief is affirmed in accordance with Tenn. R. Ct. Crim. App., Rule 20.

¹In affirming the trial court's decision, we found that "[t]he voluntariness of appellant's plea was not compromised by his counsel's warning." Hood v. State, No. 03C01-9308-CR-00292 (Tenn. Crim. App. Feb. 9, 1994).

²The trial judge stated:

No, I agree with the State that obviously Mr. Hood with the assistance of someone after the Court of Appeals ruled denying his petition for post conviction relief that someone tried to zero in on that one area based on that part of the decision of the Court of Criminal Appeals. But I believe this is an issue that was covered in the first post conviction petition

CONCUR:

JOSEPH M. TIPTON, Judge

CHARLES LEE, Special Judge